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03-14-02

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Atty. Docket N . 023533-0113**

Applicant: Lawrence E. CORNETT et al.

Title: RECOMBINANT  $\beta$ 2-ADRENERGIC RECEPTOR DELIVERY AND USE IN  
TREATING AIRWAY AND VASCULAR DISEASES

Serial No. 09/783,580

ATTN: OFFICE OF FINANCE

Filed: February 15, 2001

REFUND DIVISION

Examiner: Unassigned

Art Unit: 1614

**REQUEST FOR REFUND**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Please be advised that a Petition for Extension of Time was erroneously filed on December 26, 2001. We received a Notice to File Missing Parts of Nonprovisional Application dated May 24, 2001. On August 22, 2001, we filed the declaration, fees and Petition for One Month Extension of time which would extend the response time to August 24, 2001. We then realized that the Sequence Listing was not filed, so on August 24, 2001, still within the one-month extension of time, we timely filed a Preliminary Amendment, Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§.821-1.825, paper copy of Sequence Listing, disk copy of Sequence Listing along with a Supplemental Information Disclosure Statement. We then received a Notice of Incomplete Reply dated September 5, 2001. We spoke to the Initial Patent Examination Division of the U.S. Patent Office several times and by the sixth month date for responding to the Notice of Incomplete Reply, the Sequence Listing filed had not been matched with the file. Therefore, we filed a paper copy of the Sequence Listing along with the date stamped postcard, indicating that the documents had been filed and it was not an incomplete reply. Therefore, we do not believe that a Petition for Extension of Time was needed and we should be refunded the amount of the five-month extension of time.

Serial No: 09/783,580

As evidence of the timely filing of the aforementioned documents, please find attached a copy of the one-month petition for Extension of Time filed August 22, 2002 along with the date stamped postcard and the date stamped postcard from August 24, 2002 indicating that the sequence listing was timely filed.

The Patent and Trademark Office is requested to credit Deposit Account No. 19-0741 in the amount of \$925.00 for the five-month Extension of Time erroneously filed December 26, 2001.

Respectfully submitted,

February 26, 2002  
Date

Jayne A. Huleatt  
Jayne A. Huleatt  
Registration No. 34,485

FOLEY & LARDNER  
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Atty. Dkt. No 023533-0113

*IN THE UNITED STATES PATENT AND TRADEMARK OFFICE*

Applicant: Lawrence E. CORNETT et al.

Title: RECOMBINANT BETA2-  
ADRENERGIC RECEPTOR  
DELIVERY AND USE IN  
TREATING AIRWAY AND  
VASCULAR DISEASES

Appl. No.: 09/783,580

Filing Date: 02/15/2001

Examiner: Unassigned

Art Unit: 1614

PETITION FOR EXTENSION OF TIMEBox MISSING PARTS  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

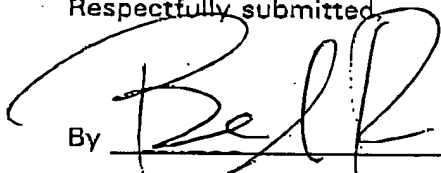
Applicant hereby petitions the Commissioner under 37 C.F.R. §1.136(a) for a one-month extension of time for response in the above-identified application for the period required to make the attached response timely.

The extension fee for response within the first month is \$55.00. A check for this amount is enclosed herewith.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

By

  
Richard C. Peet  
Attorney for Applicant  
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Total # of Pages 6 (including this page)

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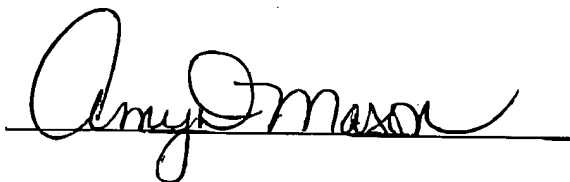
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Secretary for Jayme A. Huleatt  
Sender's Direct Dial: (202) 672-5425  
Date: February 26, 2002  
Client/Matter No: 023533/0113  
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### MESSAGE:

I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office by facsimile, addressed to:

Commissioner for Patents  
Washington, D.C.

on February 26, 2002



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